

**UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
AT COOKEVILLE**

RICH FRONING FITNESS, LLC,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:24-cv-00061-WDC
)	
FEASTBOX, LLC, et. al.,)	Judge Waverly D. Crenshaw, Jr.
)	Magistrate Judge Alistair E. Newbern
Defendants.)	
_____)	
)	

RESPONSE IN OPPOSITION TO AMENDED WITHDRAWAL AS ATTORNEY

On January 2, 2025, counsel for the parties met with Judge Newbern in a case management conference to discuss Plaintiff's previously filed motion for a discovery dispute conference. (Doc. No. 24). Prior to the meeting, the parties on December 23, 2024, submitted a Joint Statement which made no mention of Defendants' counsel's intent to withdraw. (Doc. No. 26). During the hearing on January 2, Defendants' counsel likewise made no mention of its intent to withdraw. Notably, the week before the hearing, on December 27, 2024, Defendants' counsel communicated to the Defendants their intent to withdraw. (Doc. No. 29-1).

On January 2, 2025, this Court approved Plaintiff's motion allowing for written discovery to be served through December 31, 2024. Plaintiff served its initial written discovery to Defendant Feastbox, LLC on December 4, 2024, and to Defendant Jody Rookstool on December 31, 2024. By way of its communicated intent to withdraw prior to the hearing, it seems clear that Defendants' counsel had no intention to produce any discovery in response to Plaintiff's discovery served on December 4 and December 31, respectively. Defendants' motion now prejudices the Plaintiff by

delaying these proceedings and access to important information for Plaintiff's case. Contrastingly, Plaintiff provided lengthy discovery responses to Defendants on January 6, 2025. Also on January 6, 2025, Defendants' counsel communicated to Plaintiff that it was actively communicating with the Defendants the Plaintiff's proposed settlement offer. *See* Ex. A. That seems entirely inconsistent with the communications that Defendants' counsel have presented as Doc. 29-1.

Defendants' counsel have not presented any plan for providing Plaintiff with initial discovery responses. Furthermore, Defendants' counsel only notified Plaintiff of their intention to withdraw *after* they already filed to withdraw. According to LR7.01(a)(1), counsel is required to confer with opposing counsel prior to the submission of any motion, "except motions under Rule 12, 56, 59, or 60." LR7.01(a)(1). Defendants' counsel has only cited Local Rule 83.01(g), which is not one of the Rules exempt from obligations to opposing counsel of prior conference. (Doc. 29).

According to Local Rule 83.01(g), "Ordinarily counsel will not be allowed to withdraw if such withdrawal will delay trial *or other pending matters in the case.*" LR83.01(g) (emphasis added). The outstanding written discovery is a pending matter in the case. Defendants' counsel objected to having to answer such discovery in the Joint Statement (Doc. 26) and during the January 2 hearing. Plaintiff had no prior notice of Defendants' counsel's intent to withdraw. Plaintiff has not received any effort towards addressing Plaintiff's initial written discovery. Consequently, Plaintiff asks that this court deny the motion to withdraw until initial discovery responses have been provided.

Dated this 13th day of January, 2025.

Respectfully Submitted,

ROCKRIDGE LAW

By: /s/ Kevin Christopher

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CERTIFICATE OF SERVICE

I hereby certify, on January 13, 2025 the foregoing Joint Statement of Discovery was served on Defendants FeastBox, LLC and Jody Rookstool via electronic mail to the following party:

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